

REMARKS

Claims 1-22 are pending in the present application, claims 19-22 having been added herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 1, and 8-18 were rejected under 35 U.S.C. §103 as being unpatentable over Kahl (U.S. Patent No. 6,459,718) in view of Doherty (U.S. Patent No. 6,658,808). Claims 2-4 and 7 were rejected under 35 U.S.C. §103 as being unpatentable over Kahl in view of Doherty and further in view of Kinsey (U.S. Patent No. 3,562,992). These rejections are respectfully traversed for the following reasons.

Claim 1 recites a protective wall (1) for shielding against laser beams, optionally including laser beams stemming from welding machines, wherein the protective wall (1) contains light-alloy shaped sections (10 - 14) which are essentially rectangular, and incorporates chambers formed by interior walls (2), and profilings formed on a front and/or side thereof, wherein the light-alloy shaped sections (10 - 14) are lined up and connected side wall to side wall in an individually removable manner to form the protective wall (20, 22; 21, 23; 24, 25) in such a way that the profiling on a side of the wall is implemented step-like from a front wall (26) to a back wall (27) thus permitting insertion and removal of each section in alternate directions perpendicular to a plane of extension defined by the front walls (26) of the sections (10 to 14). This is not taught, disclosed or made obvious by the prior art of record.

The Office Action sets forth features of the claims purported taught by the cited references Kahl and Doherty. However, the rejection does not comply with the requirements of setting forth a *prima facie* case of obviousness. In particular, under the

case law, and under the M.P.E.P., a *prima facie* case of obviousness is made when the examiner sets forth the scope and content of the prior art, the differences between the prior art and the claimed invention, the proposed modification, and the reasons why such modification would have been obvious to one of ordinary skill in the art at the time the invention was made. 35 U.S.C. § 103; M.P.E.P. § 706.02(j) (“(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate, (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made....” While the Office Action indicates what each reference discloses, it does not satisfy the requirements of (C) and (D) above. Accordingly, the rejection is improper and should be withdrawn.

The Office Action recognizes that Kahl does not disclose that the sections are connected in such a way that the profiling on a side of the wall is implemented step-like from a front wall to a back wall. The Office Action asserts that Doherty teaches such a construction, citing to Fig. 5. Applicant respectfully disagrees. In Fig. 5, Doherty shows a building constructed from the modules illustrated in Figs. 1-4. There is no showing of the step-like profiling claimed in claim 1.

Further, amended claim 1 now recites that insertion and removal of each section is permitted in alternate directions perpendicular to a plane of extension defined by the front walls of the sections. This is not taught or suggested in any of the cited references, whether taken alone or in combination as proposed in the Office Action. The wall elements of Kahl are not constructed such that insertion and removal of each section is

accomplished in alternate directions perpendicular to a plane of extension defined by the front walls of the sections. The interlocking elements of Doherty permit insertion and removal of adjacent elements in, no perpendicular to, a plane of extension defined by the front walls of the sections. This is also true for the hinge and hook elements of Kinsey.

Applicant further submits that even if, assuming for the sake of argument only, that the cited references teach all of the claimed elements, the proposed combination would not have been obvious to one of ordinary skill in the art. In particular, Kahl relates to a laser protective wall which serves to shield laser work stations against, e.g., high-power metal-working lasers. However, Doherty relates to building modules used for buildings, retaining walls, and bridges. Kinsey relates to structural elements for building homes and the like. Both of these technologies are significantly different in their requirements than is required for construction of laser protective walls of the kind disclosed in Kahl. One of ordinary skill in the art of designing and building laser protective walls would not have been motivated to refer to patents relating to the building of homes, buildings, retaining walls, and bridges to solve the problems associated with designing and building laser protective walls.

For at least these reasons, claim 1 is believed to be patentable over the prior art of record, whether taken alone or in combination as proposed in the Office Action. Claims 2-18 depend from and include the limitations of claim 1. Applicant respectfully submits that claims 2-18 are patentable over the prior art in and of themselves, and for the reasons discussed above with respect to claim 1.

Claim 19 essentially corresponds to previous claim 1 combined with previous claim 2. Claim 2 was previously rejected over Kahl, Doherty and Kinsey. Applicant respectfully traverses this rejection for the reasons set forth above with respect to claim, to

the extent that the limitations are the same in claim 1 as in claim 19. Further, claim 19 is patentable for the following reasons. The Office Action asserts, on pages 3-4, that

Kinsey shows connecting or interlocking building module where the projections and the grooves are implemented laterally off set relative to one another in a step like manner so that individual section front projections 29/16, on front side 13 are located alternatively closer to one another than those on the back 29/16 on back side 14 and visa versa. The projections that are spaced further apart extend flush into the front or back wall and are hook shaped and the more closely spaced projections are extensions of the side wall or are formed integral with the side wall as hook shaped projections.

Applicant respectfully disagrees. The box elements 10 are approximately square shaped. There is only one projection on the inside surface 13 and one on the outside surface 14, in each box element. Thus, Kinsey does not teach or suggest that on the individual shaped sections (10 - 14) one set of the strip projections are located alternately closer to one another than the other set of strip projections, as recited in claim 19.

For at least these reasons, claim 19 is believed to be patentable over the prior art of record, whether taken alone or in combination as proposed in the Office Action. Claim 20 depends from and include the limitations of claim 19. Applicant respectfully submits that claim 20 is patentable over the prior art in and of themselves, and for the reasons discussed above with respect to claim 19.

Claims 21 and 22 are new claims, which do not correspond to the previously pending claims. Applicant respectfully submits that these claims are patentable over the prior art of record.

For at least these reasons, Applicant respectfully submits that claims 1-22 are patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /Ronni S. Jillions/
Ronni S. Jillions
Registration No. 31,979

RSj:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\bn\h\hane\Kahl6\PTO\2008-06-17AmendmentKAHL6.doc